

not be suspended, disbarred, or otherwise disciplined. Upon the practitioner's timely response to the show cause order after any requested hearing, or upon failure to make a timely response to the show cause order, the Commission shall issue an appropriate decision.

### Subpart B—Canons of Ethics

#### § 1103.10 Introduction.

The following canons of ethics are adopted as a general guide for those admitted to practice before the Interstate Commerce Commission. The practitioners before the Commission include (a) lawyers, who have been regularly admitted to practice law and (b) others who have fulfilled the requirements set forth in § 1103.3. The former are bound by a broad code of ethics and unwritten rules of professional conduct which apply to every activity of a lawyer. The canons do not release the lawyer from any of the duties or principles of professional conduct by which lawyers are bound. They apply similarly to all practitioners before the Commission, but do not negate the applicability of other ethical codes. The canons are organized under three headings, The Practitioner's Duties and Responsibilities to the Commission, The Practitioner's Duties and Responsibilities to the Client, The Practitioner's Duties and Responsibilities to Other Litigants, Witnesses and the Public.

#### THE PRACTITIONER'S DUTIES AND RESPONSIBILITIES TOWARD THE COMMISSION

#### § 1103.11 Standards of ethical conduct in courts of the United States to be observed.

These canons further the purpose of the Commission's Rules of Practice which direct all persons appearing in proceedings before it to conform, as nearly as possible, to the standards of ethical conduct required of practice before the courts of the United States. Such standards are taken as the basis for these specifications and are modified as the nature of the practice before the Commission requires.

#### § 1103.12 The practitioner's duty to and attitude toward the Commission.

(a) It is the duty of the practitioner to maintain a respectful attitude toward the Commission and for the importance of the functions it administers. In many respects the Commission functions as a Court, and practitioners should regard themselves as officers of that Court and uphold its honor and dignity.

(b) It is the right and duty of the practitioner to submit grievances about a member or employee of the Commission to the proper authorities when proper grounds for complaint exists. In such cases, charges should be encouraged and the person making them should be protected.

(c) It is the duty of the practitioner to be punctual in attendance, and to be concise and direct in the trial and disposition of causes.

#### § 1103.13 Attempts to exert political or personal influence on the Commission are prohibited.

(a) It is unethical for a practitioner to attempt to influence the judgment of the Commission by threats of political or personal reprisal.

(b) Marked attention and unusual hospitality on the part of a practitioner to a Commissioner, administrative law judge, or other representative of the Commission, which is unwarranted by the personal relationship of the parties, is subject to misconstruction of motive and should be avoided.

#### § 1103.14 Private communications with the Commission are prohibited.

To the extent that the Commission acts in a quasi-judicial capacity, it is improper for litigants, directly or through any counsel or representative, to communicate privately with a Commissioner, administrative law judge, or other representative of the Commission about a pending case, or to argue privately the merits thereof in the absence of the adversaries or without notice to them. Practitioners at all times shall scrupulously refrain from going beyond *ex parte* representations which are clearly proper in view of the administrative work of the Commission in